

Motion for stay and leave for Village Capital Corporation to amend its answer is granted. The Court orders that responses to the instant motion be filed by 4/22/15.

s/ James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ECP COMMERCIAL IV LLC,

Plaintiff,

v.

LH DEVELOPMENT LLC, et al.

Defendants.

CASE NO. 1:14-CV-2449

**EMERGENCY MOTION TO STAY
MARCH 2, 2015 JUDGMENT AND
DECREE IN MORTGAGE
FORECLOSURE UNDER CIV.R. 62(b),
MOTION TO SET ASIDE DEFAULT
JUDGMENT UNDER CIV.R. 55(c),
MOTION FOR RELIEF FROM MARCH
2, 2015 JUDGMENT AND DECREE IN
MORTGAGE FORECLOSURE UNDER
CIV.R. 60(b), AND MOTION TO AMEND
ANSWER UNDER CIV.R. 15(a)(2)**

Defendant Village Capital Corporation (“Village Capital”) respectfully moves this as follows:

1. Under Fed.R.Civ.P. 62(b), for a stay of the Court’s March 2, 2015 Judgment and Decree in Foreclosure pending disposition of Village Capital’s Motion for Relief from Judgment or Order filed hereunder;
2. Under Fed.R.Civ.P. 55(c), for an Order setting aside the Court’s March 2, 2015 Judgment and Decree in Mortgage Foreclosure;
3. Under Fed.R.Civ.P. 60(b), for relief from the Court’s March 2, 2015 Judgment and Decree in Mortgage Foreclosure; and
4. Under Fed.R.Civ.P. 15(a)(2), for leave to amend its answer to assert as an affirmative defense that, under Ohio Rev. Code § 1705.58, Plaintiff is prohibited from maintaining this lawsuit because it has not registered in this state in accordance with §§ 1705.53 to 1705.58 of the Ohio Revised Code. (A copy of Village Capital’s proposed Amended Answer is attached hereto as Exhibit 1.)